

VZCZCXRO9860
PP RUEHIK
DE RUEHTA #2159/01 3520519
ZNR UUUUU ZZH
P 180519Z DEC 09
FM AMEMBASSY ASTANA
TO RUEHC/SECSTATE WASHDC PRIORITY 7007
INFO RUCNCIS/CIS COLLECTIVE 2255
RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 1618
RUEHKO/AMEMBASSY TOKYO 2319
RUEHUL/AMEMBASSY SEOUL 1253
RUCNDT/USMISSION USUN NEW YORK 2626
RUEHNO/USMISSION USNATO 2921
RUCPDO/DEPT OF COMMERCE WASHINGTON DC
RUEAIIA/CIA WASHDC
RHEFAAA/DIA WASHDC
RHEHNSC/NSC WASHDC 1813
RUEKJCS/SECDEF WASHDC 1663
RUEKJCS/JOINT STAFF WASHDC
RHMFIUU/CDR USCENCOM MACDILL AFB FL

UNCLAS SECTION 01 OF 02 ASTANA 002159

SENSITIVE
SIPDIS

STATE FOR SCA/CEN, EUR/ACE, F, EUR/RPM, DRL
STATE PLEASE PASS TO USAID

E.O. 12958: N/A

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SUBJECT: KAZAKHSTAN: SCA ASSISTANT SECRETARY BLAKE HEARS REALISTIC
OPTIMISM FROM CIVIL SOCIETY LEADERS

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11. (U) Sensitive but unclassified. Not for public Internet.

12. (SBU) SUMMARY: Assistant Secretary for South and Central Asian Affairs Robert Blake and the Ambassador found that civil society in Kazakhstan is alive and well during a roundtable with democracy and human-rights leaders on December 14 in Almaty. The activists stressed that despite real problems in the areas of human rights and democracy, the government's willingness to listen to and work with civil society, particularly when drafting new legislation, is cause for optimism. They especially praised the MFA's consultative council that promotes dialogue between NGOs and the government, which emerged in preparation for Kazakhstan's OSCE chairmanship. END SUMMARY.

13. (SBU) In a December 14 lunch with civil society, SCA A/S Blake characterized the relationship between the United States and Kazakhstan as multi-faceted. He reinforced the importance of human rights and democracy bilaterally and within the framework of the Organization for Security and Cooperation in Europe (OSCE). He stressed the importance of progress in all three OSCE dimensions during Kazakhstan's chairmanship, but particularly within the human dimension. Blake expressed concern about recent negative trends, citing examples of the Zhovtis trial, criminal libel cases, and the recent internet law. He asked lunch participants to speak frankly about these trends and to offer suggestions for potential U.S. assistance.

MIXED RECORD

14. (SBU) Director of local NGO Shanyrak Asylbek Kozhakhmetov stated that Kazakhstan is moving toward democracy on the one hand, but is also becoming less democratic. He cited as a real platform for democratic dialogue the government of Kazakhstan's support for local public councils, in which political parties, NGO representatives, and government officials work together to solve local-level social problems. He suggested that pursuit of a national-level version would increase higher-level dialogue and prevent the government from acting without the full knowledge of the potential impact and reaction of its citizens. On the other hand, Kozhakhmetov stated,

the enactment of more restrictive laws signals backward movement. He also asserted that he foresees no advancement toward the registration of new political parties at this time. Kozhakhmetov urged the Assistant Secretary to help ensure that "this drawback [in democracy] does not turn into a complete retreat."

"WALKING THE TALK" ON DEMOCRATIC REFORM

15. (SBU) Iva Dobichina, Country Director for Freedom House, stated that her organization is using the OSCE chairmanship as an opportunity to support the Kazakhstani government's democratic reforms. She highlighted the significant public dialogue about such reforms, but that civil society is still waiting to see if the Kazakhstani government will "walk the talk." Dobichina pointed to the OSCE Consultative Council at the Kazakhstani Ministry of Foreign Affairs as a positive mechanism for this kind of dialogue. She characterized the National Action Plan for Human Rights as a progressive document and noted "continuous support for its implementation" as a main priority for the coming year. Other priorities include encouraging continued support for the Office of Democratic Initiatives and Human Rights' (ODIHR) mandate and monitoring Kazakhstan's rhetoric on religious pluralism and tolerance as it considers a freedom of religion law in 2011. Dobichina said a national-level NGO council would be useful if it could deliver recommendations on concrete steps the government could take to demonstrate goodwill and commitment toward human rights and democratic principles. She asked that the United States continue to encourage the Kazakhstani government to work closely with civil society.

PROGRESS ON JUDICIAL REFORM

16. (SBU) Julia Maliyeva, Chief of Party of USAID's Judicial

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Education Project, described the judicial system in Kazakhstan as a "huge and hard machine to move," but noted progress within the past year. She cited judicial ethics discussions during the recent Congress of Judges in Astana as a positive step for judicial reform. She also mentioned the Supreme Court's request for USAID assistance to increase its capacity to adjudicate commercial law cases. At the lower court levels, however, Maliyeva has found it difficult to begin reform discussions without the instruction of higher-level authorities.

STEPS BACK ON MEDIA FREEDOM

17. (SBU) Director of Adil Soz Tamara Kaleyeva described the atmosphere of freedom of expression in Kazakhstan as one of restrictive legislation, criminal prosecution of journalists, and limited independent media outlets. She highlighted this past year's enactment of two new restrictive laws, imprisonment of three journalists, and bankruptcy from lawsuits of two independent media outlets, with a third also in danger of slipping into bankruptcy. She noted that attempts by civil society to influence the drafting of media legislation have achieved no results. (NOTE: Kaleyeva is involved in a new USAID-supported media monitoring of the judiciary project. END NOTE.)

18. (SBU) According to Kaleyeva, Kazakhstan's OSCE chairmanship provides an opportunity for civil society to push for democratic reforms, but if no changes occur in 2010, expect backsliding in 2011, she warned. Dobichina noted that reforms have not been as great as expected by activists, but she also offered that the current economic crisis might explain the government's employment of greater control.

SOME OPTIMISM FOR THE FUTURE

19. (SBU) All NGO participants agreed that they are able to conduct their activities freely and noted that Kazakhstan does not usually suppress dialogue with international human rights advocacy groups, who are generally more critical of the government. The civil society leaders stressed the benefits of exposing Kazakhstani authorities to international experiences in the promotion of democratic reform. As an example, they mentioned the Chairman of

the Supreme Court's interest in mediation centers and alternative dispute resolution after he heard about other countries' experiences. Others cited similar opportunities, particularly within the judicial sector. Kozhakhmetov suggested a foreign internship program to expose young Kazakhstani civil servants to democratic values and ways to collaborate with civil society.

¶10. (SBU) As participants discussed in conclusion the next "carrot" to entice Kazakhstan to pursue additional democratic reforms, A/S Blake suggested that appealing to Kazakhstan's vision of itself as an international leader might urge it toward reform.

¶11. (SBU) COMMENT: Kazakhstan's progress on democratic reform in advance of its OSCE chairmanship fell short of civil society and international expectations. However, civil society is alive and well, and its dialogue with the government is growing. All participants at the round table praised the MFA's consultative council that promotes dialogue between NGOs and the government, which emerged in preparation for Kazakhstan's OSCE chairmanship. According to civil society leaders, the government willingly listens to their concerns, even if does not always fully respond. END COMMENT.

¶12. (SBU) A/S Blake has cleared this cable.

HOAGLAND